

Three wheelchair users accuse Fox Theatre of discrimination

By Dan Hulbert

STAFF WRITER

Three Atlanta-area wheelchair users have filed a complaint with the U.S. Justice Department and the Georgia Advocacy Office charging the Fox Theatre with "blatant discrimination of our civil rights" because they are dissatisfied with the limited viewing areas to which wheelchairs are restricted there.

Margo Gathright-Dietrich of Norcross, who filed the complaint with Bonnie and George Bonham of Marietta, said that when she attends the Fox she is directed to park her wheelchair at one of eight designated spots, on side aisles at the end of a row, "and I'm tired of sticking out there like a sore thumb." The freelance editor-proofreader, 50, says that, because of post-polio syndrome, she finds it painful to turn her head to watch the stage and has lobbied Fox management for a year and a half to provide wheelchair seating in the middle of the auditorium.

Fox manager Ed Neiss says the theater has spent at least \$1 million on improvements — from automatic doors to specially fitted restrooms — to make the theater more accessible for people with disabilities and has hired a wheelchair-using architect to "resolve the final issue, the seats themselves."

"We have gone beyond the let-

ter of the law as stated in the Americans With Disabilities Act," Neiss said, "while protecting the integrity of a historic building." Noting that another Atlanta wheelchair user, Mark Wilson, recently expressed his satisfaction with the Fox experience, Neiss added, "We can't negotiate the desires of each individual ticket buyer, so we're going to let the government clarify the issue."

Robert Raubach, who will investigate the complaint for the Georgia Advocacy Office, said similar actions against movie theaters have resulted in compensatory and punitive damages for the plaintiffs.

"Some of those [wheelchair-accessible] Fox seats are way at the side with a poor view," Raubach said. "I'm sure that seats themselves are not 'historic,' or people wouldn't want to sit in them."

Suit claims Fox biased to disabled

By BILL RANKIN
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The Fox Theatre humiliates and isolates disabled patrons by seating them in the worst locations, including an area known as the "handicap corral," a lawsuit alleges.

Margo Gathright-Dietrich of Norcross and Bonnie Bonham of Marietta, two wheelchair-using customers, recently filed a federal lawsuit that contends the Fox violates the Americans with Disabilities Act. The suit demands that the Fox make architectural changes to better accommodate disabled patrons and pay unspecified damages for its "outrageous conduct."

The two women are disabled by post-polio syndrome. They depend on wheelchairs for mobility and enjoy attending live dance performances, concerts, musicals and plays at the landmark Atlanta theater.

"It has been a very long struggle," Gathright-Dietrich, 55, a performing artist and motivational speaker, said Wednesday. "I'm glad it's finally in the court system."

In 1997, the women filed a discrimination complaint against the Fox with the Justice Department. The federal

agency tried to mediate the case but no agreement could be reached.

Over the past decade, the two women have attended numerous shows, such as the plays "Chicago," "Cats" and "Ragtime," and encountered many problems, the suit says. This includes Bonham's being reduced to tears after she was scolded by an irate usher that she could not sit next to her husband during a 1998 event. At an Alvin Ailey dance performance two years ago, Gathright-Dietrich became embarrassed when she had to make her way through a crowded, private party in her wheelchair to use a restroom.

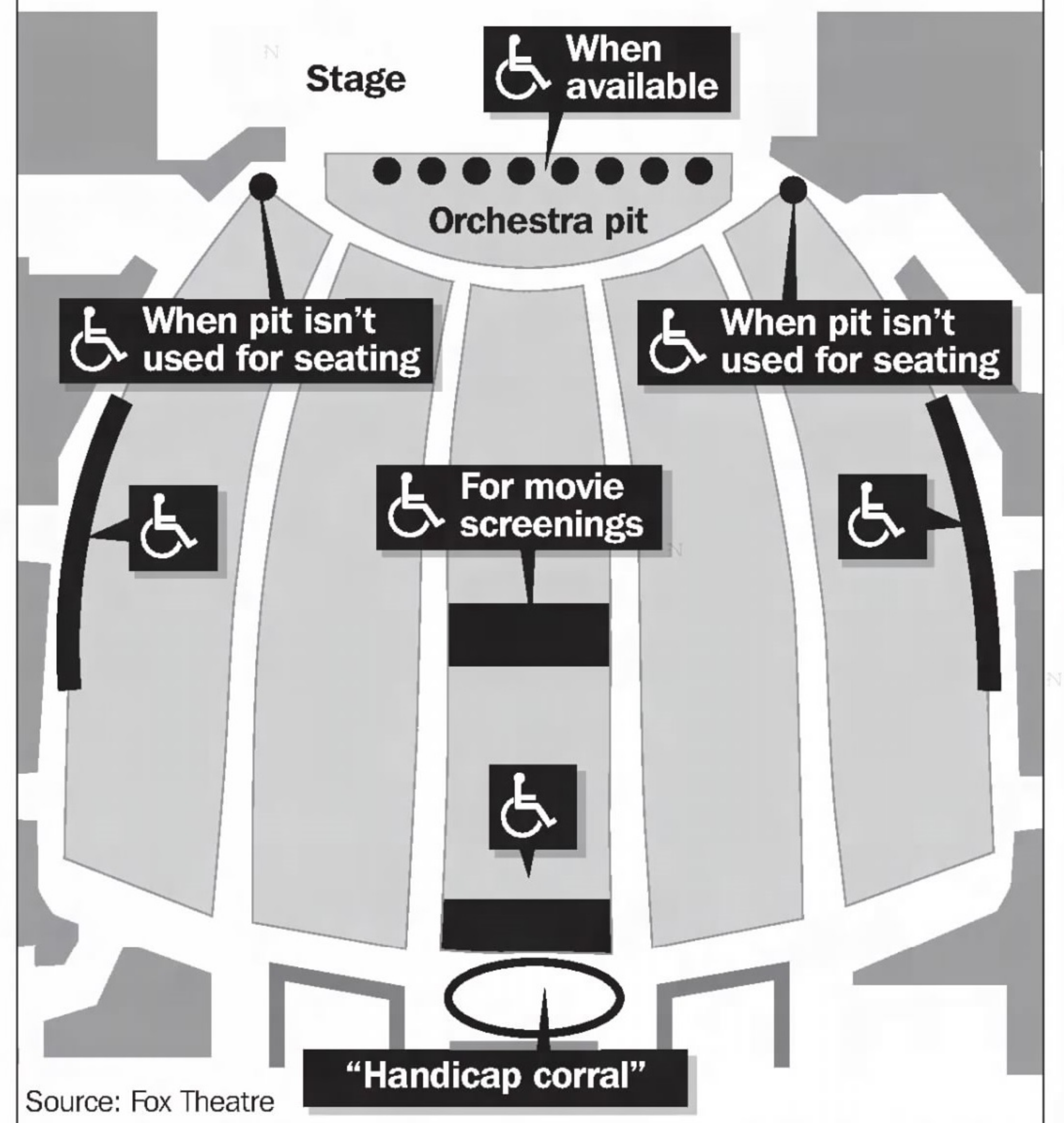
Edgar Neiss, general manager of the Fox, expressed surprise the lawsuit was filed.

"The Fox Theatre is probably the most disabled-friendly performing arts facility in the country," he said. "I say that, given the fact we are a national historic landmark built in 1929, many years prior to the passage of the ADA."

But Chip Rowan, an Atlanta lawyer representing the two women, said changes need to be made to the 4,500-seat theater. "There are readily achievable modifications that can be made that would not disturb the character of the theater in anyway," said

ACCOMMODATING DISABLED PEOPLE

A lawsuit claims the Fox Theatre discriminates against people who use wheelchairs by providing limited, expensive seating with poor views, and herds people into a "handicap corral" in the back of the theater. Here's the Fox's handicapped seating setup:



CHUCK BLEVINS / Staff

Rowan, one of the city's leading plaintiffs' lawyers on ADA litigation.

This would include installing removable seats to allow wheelchair-using customers better views of the stage and seats fitted with removable arms to allow people in wheelchairs to be transferred into these seats, the lawsuit said.

According to the lawsuit, the Fox:

- Segregates disabled patrons into inferior seating locations — either in the far back or extreme sides — and frequently charges the highest ticket prices for these locations.

- Provides a "handicap cor-

ral" at the farthest possible distance from the stage that accommodates fewer than nine wheelchairs.

- Provides people with disabilities poor access to concessions, restrooms and other amenities.

- Requires some disabled patrons to come to the theater ticket office and pay for their tickets in cash, while allowing non-disabled people to charge their tickets over the telephone.

- Provides some wheelchair-accessible seating in aisles that are sloped, making it dangerous and uncomfortable for these patrons to watch a performance.